

REMARKS

Claims 1-9 are pending in the application and stand rejected. Claims 10-20 are withdrawn.

Applicants thank the Examiner for the courtesies extended to the undersigned during the teleconference today, September 14, 2007.

In the aforementioned teleconference, Applicants inquired as to the reasons for the continued rejection under 102(b) based on the primary reference of Manginell et al., U.S. Patent No. 6,527,835 (“Manginell”), since this is clearly a 102(e) reference, and the apparent non-consideration of the Declaration that was previously filed under 1.131 in the response filed August 7, 2006 and resubmitted in the response filed December 29, 2006.

Agreement was reached that the rejection of the claims under 102(b) based on Manginell should have been under 102(e). The Examiner agreed the finality of the July 10, 2007 Office Action would be withdrawn, the Declaration would be considered in view of the foregoing and the next Office Action will not be final.

Accordingly, and in light of the foregoing, Applicants incorporate by reference herein the response/arguments made in the December 29, 2006 and August 7, 2006 responses, and direct the examiner’s attention to the Declaration filed August 7, 2006.

In the Office Action on page 2, paragraph 1, claims 1-2, and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,527,835 to Manginell.

Applicants respectfully traverse this rejection. The Examiner agrees Manginell is a 102(e) reference.

Based on the foregoing, Manginell is effectively removed as a reference, hence the rejection based thereon should be withdrawn.

On pages 3-7 of the Office Action, paragraphs 3-7, a variety of rejections were made under 35 U.S.C. § 103(a) using Manginell as the primary reference. Because Manginell is removed as a reference, these rejections are likewise overcome. Applicants respectfully request these rejections be withdrawn.

Applicants request the rejection on page 4, paragraph 5 be withdrawn, as it relates to claims 14-15 and 18-20, which are withdrawn claims.

Applicants submit that all claims pending in the patent application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited. In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223.

Dated: September 14, 2007

Respectfully submitted,

s/Timothy X. Gibson/

Timothy X. Gibson, Registration No. 40,618

KAPLAN GILMAN

GIBSON & DERNIER LLP

Attorney for Applicants

900 Route 9 North

Woodbridge, New Jersey 07095

(732) 634-7634

Attorneys for Applicant